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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 MICHAEL J. BRODHEIM

12 Plaintiff,

No. CIV S-01-1738 GEB CMK P

13 vs.

14 MARGARITA PEREZ, et al.,

15 Defendants.

ORDER

16 _____/
17 On May 16, 2005, plaintiff filed a "Motion Objecting to
18 Magistrate Judge Kellison's Re-Screening of the Complaint. . . ."
19 The court construes plaintiff's motion as a request for
20 reconsideration of the magistrate judge's order filed April 27,
21 2005, which vacated the findings and recommendations recommending
22 dismissal of plaintiff's complaint and dismissed plaintiff's
23 complaint with leave to amend. Pursuant to E.D. Local Rule 72-
24 303(f), a magistrate judge's orders shall be upheld unless
25 "clearly erroneous or contrary to law." Upon review of the
26 entire file, the court finds that it does not appear that the

1 magistrate judge's ruling was clearly erroneous or contrary to
2 law.

3 Therefore, IT IS HEREBY ORDERED that, upon
4 reconsideration, the order of the magistrate judge filed
5 April 27, 2005, is affirmed.

6 Dated: June 9, 2005

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8 /s/ Garland E. Burrell, Jr.
9 GARLAND E. BURRELL, JR.
 United States District Judge